

### **REMARKS**

This responds to the Office Action dated on October 5, 2007.

Claims 1 to 33 are amended; as a result, claims 1 to 33 are now pending in this application.

#### **§103 Rejection of the Claims**

Claims 1-24 and 29-33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitsukawa et al. (U.S. Patent No. 6,282,713) in view of Zigmond et al. (U.S. Patent No. 6,698,020). Claims 25-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kitsukawa et al. (U.S. Patent No. 6,282,713) in view of Zigmond et al. (U.S. Patent No. 6,698,020) as applied to claim 22 above and further in view of Matsko (U.S. Publication No. 2002/0062254). The Applicants respectfully traverse. However, the applicants have amended the claims to better highlight the novelty of the present invention over the cited references.

Before directly addressing the Examiner's rejections, a brief review of the present invention is desirable. The present invention concerns an interactive order system for television and streaming media. In such systems, the user typically has a very limited input mechanism such as a television remote control. This is explicitly stated on lines 4 to 8 of page 2 of the written specification which state "Remote control devices typically do not support direct alphanumeric entry and may require many button entries to provide product selection and ordering information." Thus, it can be very difficult to use such a limited input mechanism to make purchases. To address this issue, the system of the present invention first determines if there are more than one version of a selected product. And if there is more than one version of the selected product, the system selects one version from the more than one version using stored user preference information. By limiting the user's choice down to a single version, the system presents a very simple and intuitive method of purchasing an item.

All of the independent claims of the present invention were directed toward a system that selects one version of a product for display in order to simplify the user input. However, the

Applicants have amended the claims to highlight the selection of “one version of the product” even more clear.

In the Examiner’s Final Office Action, the Examiner stated the following in the first paragraph of page 3:

Checking if a plurality of versions exist for the products contained within the product advertising message (figs.5-7); automatically selecting the item based on the user preference information; displaying information describing the item and displaying purchasing information (col.8, line 46-col.9, line 11 and col.1 I, line 62-col.12, line 32), **note different chairs 521, 527; different huts 522, 523; furthermore when a car ads is selected car, car tires, type, car detailing services, car repair services, etc., (plurality of versions) is provided to the user.**

This text seems to indicate that the Examiner may have mistakenly read the claim to indicate that a plurality of versions are displayed when in fact the opposite was the goal. The present invention eschews presenting a plurality of versions in order to simplify the user input. Instead, a single version is selected bases upon user preference information.

Much of the text of the Kitsukawa reference cited by the Examiner explicitly teaches away from the present invention. For example, lines 49 to 57 of Kitsukawa reference state:

In one embodiment, the advertising information **may comprise electronic catalogs that contain information on additional products and services offered by the particular manufacturer and dealer**, electronic links to electronic catalogs, electronic links to product manufacturers and dealers that comprise electronic mail and voice massaging links, and electronic links over the Internet to the Web pages of product manufacturers and dealers, but the embodiment is not so limited.

Such a system with additional products is the complete opposite of the “one version of said product” system as claimed in all the independent claims of the present invention. Furthermore, none of the other references cited by the Examiner disclose the “one version” system claimed in the present application.

Since the all of the independent claims of the present application specify a system that “selects one version” in order to simplify the user interface, a feature that is not present nor hinted toward in any of the cited references, the independent claims are thus allowable. The dependent claims, which incorporate all the limitations of the independent claims, are likewise allowable.

### **Reservation of Rights**

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Final Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

PRELIMINARY AMENDMENT

Serial Number: 10/076,949

Filing Date: February 12, 2002

Title: INTERACTIVE ORDER SYSTEM FOR TELEVISION AND STREAMING MEDIA

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Dkt: 2050.072US1

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 408-278-4041 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 2/5/08

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CERTIFICATE UNDER 37 CFR § 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5 day of February 2008.

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